

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

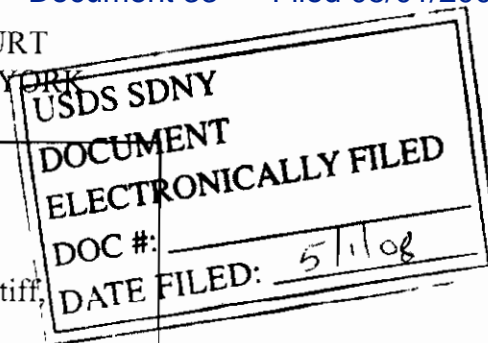
NELSON YOUNG,

Plaintiff,

-v-

BENJAMIN DEVELOPMENT, INC., and  
ALLERTON ASSOCIATES HOUSING  
COMPLEX,

Defendants.



No. 03 Civ. 10209 (RJS)

ORDER

RICHARD J. SULLIVAN, District Judge:

Plaintiff Nelson Young, proceeding *pro se*, brings this employment discrimination action in connection with the termination of his employment at a housing complex operated by Defendant Allerton Associates. On March 17, 2008, the Honorable Kenneth M. Karas, District Judge, dismissed all counts in the complaint with the exception of the cause of action for discrimination on the basis of disability under the Americans with Disabilities Act of 1990, 24 U.S.C. §§ 12112-12117 (“ADA”). (Opinion and Order at 14.) Judge Karas held that the plaintiff had pled sufficient allegations to make out a *prima facie* case of discrimination under the ADA. (*Id.* at 16.) Judge Karas further noted that the defendants had adduced substantial evidence raising serious questions about multiple elements of Plaintiff’s claims. (*Id.*) Nevertheless, Judge Karas declined to convert the motion to dismiss into a motion for summary judgment, solely on the grounds that the court was not confident that the plaintiff had sufficient notice and an opportunity to respond. (*Id.* at 18.) Judge Karas then stayed discovery pending a conference in this Court. (*Id.* at 20.)

A conference was held on April 11, 2008. At that conference, defendants sought permission to file a motion for summary judgment with respect to the remaining claims. The Court hereby sets the following schedule for defendants’ proposed motion for summary judgment.

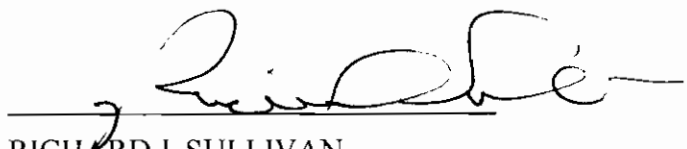
Defendants' motion for summary judgment is due in chambers no later than May 23, 2008. Defendants are hereby ordered to serve and file as a separate document, together with the papers in support of the motion, a "Notice to Pro Se Litigant Who Opposes A Motion for Summary Judgment," as required by Local Civil Rule 56.2.

Plaintiff's opposition to the motion for summary judgment is due in chambers no later than July 25, 2008.

Defendants' reply brief is due in chambers no later than August 8, 2008.

SO ORDERED.

DATED: April 30, 2008  
New York, New York

  
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RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE

Copies of this order have been mailed to:

Nelson Young  
2766 Barnes Avenue  
Apt D-8  
Bronx, NY 10467

Stuart Weinberger  
Goldberg and Weinberger, L.L.P.  
630 Third Avenue  
New York, NY 10017